

REMARKS

1. The Office Action has noted the election of Claims 8 – 20 in response to an earlier restriction requirement. Accordingly, Claims 1 – 7 have been canceled from the application for presentation in a divisional application.

2. The Office Action has rejected Claims 8, 9 and 15 under the provisions of 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,632,343 (Gengler). The Office Action states that Gengler discloses device that accomplishes the method of aeration set forth in the rejected claims, including the brushing of soil into the aeration trenches by the device 1. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments made to independent method claims 8 and 15 to better define Applicant's invention over the cited prior art reference. More particularly, Applicant's method of aeration forms discrete aeration trenches having discrete islands of soil therebetween. When the finishing device has brushed a mixture of soil and top dressing material into the aeration trenches, the density of the brushed in soil mixture will be significantly lower than the undisturbed islands of soil, thus the aeration of the soil.

The cited Gengler reference is a conventional tillage tool that is used to break up the soil to prepare the ground for seeding. The coulter discs are arranged to disturb the soil across the operative width of the machine, not to form discrete trenches therein with islands of soil therebetween. The sod-buster reel 1 positioned rearwardly of the coulter discs is provided to help smooth the soil and to break up any large clumps of soil that did not get disturbed by the coulters. The Gengler reference does not contain any teaching or suggestion whatsoever for a method of aeration in which discrete aeration trenches are formed with substantially undisturbed islands of soil therebetween, the islands of soil being stabilized by brushing soil and top dressing material into the adjacent discrete trenches without deforming the islands of soil between the trenches. Inherently, the density of the material brushed back into the aeration trenches will be substantially lower than the undisturbed islands of soil as there is no compaction of the material in the trenches. The conventional tillage tool represented by the Gengler reference effects a uniform mixture of the seed bed in terms of density and of mixture of the soil. In the instant

invention, the turf area is left with a series of linearly extending trenches filled with a mixture of low density soil and top dressing material with substantially undisturbed islands of soil therebetween.

This aeration configuration is particularly well adapted to athletic fields as the athletic field is ready for use immediately after aeration. Furthermore, the linearly extending trenches, if oriented across the crown of the athletic field will effect a drainage of water from the field through the aeration trenches. Such advantages cannot be obtained through operation of the Gengler apparatus. For the Examiner's information, Applicant is attaching hereto a copy of a sales brochure for his aeration apparatus, which depicts how the process works.

Applicant respectfully submits that the method of aeration set forth in amended independent Claims 8 and 15 cannot be met or made obvious by the Gengler reference. For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

3. The Office Action has objected to Claims 10 – 14 and 16 – 20 as being dependent on rejected independent claims. The Office Action indicates that these claims would be allowable if re-written into independent form containing all of the limitations of the intervening claims.

Applicant directs the Examiner's attention to the addition of newly presented Claims 21 – 26. Independent Claim 21 is essentially, though not identically, a combination of previously presented Claims 15 and 16, thereby essentially placing dependent Claim 16 into independent form. In view of the amendments to independent Claims 8 and 15 to place these claims into allowable form, Applicant would prefer to retain dependent Claims 9 – 14 and 16 – 20 in their originally presented dependent form.

Applicant respectfully submits that the addition of Claims 21 – 26 do not require any additional filing fees as with the cancellation of Claims 1 – 7, this application now contains 3 independent claims and a total of 19 claims, which is covered by the original filing fee.


Accordingly, Applicant respectfully requests that this objection be reconsidered and withdrawn.

4. In summary, Claims 8 and 15 have been amended, Claims 1 – 7 have been canceled, Claims 21 – 26 have been added, and Claims 8 – 26 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all objections and rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

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